

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SACRAMENTO CITY UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015010421

ORDER DENYING REQUEST FOR
CONTINUANCE

On October 5, 2015, Student filed a request to continue the due process hearing in this matter with the Office of Administrative Hearings. Student requests additional time to obtain legal representation and to have documents translated. It is not clear whether or not Sacramento City Unified School District received a translated copy of this motion; however, it is ruled upon herein as the hearing is set to commence tomorrow, October 6, 2015.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

This case was originally filed in January 2015. An order granting Student's continuance to obtain legal counsel and to have documents translated was issued on May 18, 2015. An additional request to continue this hearing was granted on September 8, 2015, and it is stated in that order that, "[n]o further continuances will be granted in this matter."

This hearing is set to commence tomorrow and good cause is not established for an additional continuance on the eve of hearing. The motion to continue is denied and the matter will proceed as currently scheduled.

IT IS SO ORDERED.

DATE: October 5, 2015

/s/

JOY REDMON
Administrative Law Judge
Office of Administrative Hearings